

Remarks

In the Office Action dated February 2, 2005, the Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by or in the alternative under 35 U.S.C. § 103 as being obvious over the U.S. Patent to Bullard 6,625,657.

Initially, the present invention provides a method and system for profiling network flows at a measurement point within a computer network. The Examiner argues that the U.S. Patent to Bullard discloses such a method and system. However, while the present invention is concerned with profiling network flows, Bullard is concerned with collecting and aggregating data for applications such as user profiles as indicated in column 3, lines 27-36.

The present invention is also concerned with measuring network flows having invariant features at a measurement point located within routing infrastructure to obtain flow statistics. Initially, the Examiner admits that Bullard does not explicitly teach network flows having invariant features. Consequently, Bullard does not explicitly teach the step of aggregating based on at least one invariant feature as presently described and claimed. Bullard does not explicitly teach at least one invariant feature being either a source end point or destination end point.

As above-noted, and as disclosed and claimed, the present invention requires measuring network flows at a measurement point located within routing infrastructure to obtain flow statistics. Then the flow statistics are aggregated to obtain a traffic profile of the network flows at the measurement point. The Examiner references column 31, lines 7-40. However, a review of column 31, lines 7-40 merely indicate that the statistical probability of packet loss is discussed rather than the step of aggregating flow statistics to obtain a traffic profile of the network flows at their measurement point. The Examiner's reference to column 22, line 58 to column 23, line 9 merely describes component statistics and not flow statistics obtained by measuring network flows at a measurement point located within routing infrastructure.

Paragraph four of the Office Action indicates that the Examiner believes that new independent claims 1 and 11 are a mere combination of old claims 1, 2 and 3 and 11, 12 and 13, respectively. However, this is not true. New claims 1 and 11 also include the limitation not found in any of the claims 1, 2, 3, 11, 12 and 13 that the network flow is profiled at the measurement point within the routing infrastructure in proportion to the distance from the measurement point to the end point. This points out two aspects of the invention as now claimed: first, the network flow is profiled at the measurement point within the routing infrastructure and second, that profiling is in proportion to the distance from the measurement point to the end point. Neither of these features are taught, disclosed or discussed by Bullard taken either alone or in combination with any of the other references of record. A computer search was made of Bullard looking for the word "distance" and the term was not found. Bullard simply does not teach, disclose or discuss the concept of "distance" as claimed in new independent claims 1 and 11.

Consequently, in view of the above and in the absence of better art, Applicants' Attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

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